

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

GEORGE SMITH [#FD-2316],
Petitioner,

v.

JON FISHER, et al.,
Respondents.

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CIVIL ACTION


NO. 11-6018

ORDER

AND NOW, this 15th day of February, 2012, upon careful and independent consideration of the petition for a writ of habeas corpus, the response, and Petitioner's reply to the response, and after review of the Report and Recommendation of United States Magistrate Judge David R. Strawbridge, it is **ORDERED** that:

1. The Report and Recommendation is **APPROVED** and **ADOPTED**;
2. The petition for a writ of habeas corpus is **DISMISSED WITHOUT PREJUDICE**;
3. A certificate of appealability **SHALL NOT** issue, in that the Petitioner has not made a substantial showing of the denial of a constitutional right nor demonstrated that a reasonable jurist would debate the correctness of this ruling. *See* 28 U.S.C. § 2253(c)(2); *Slack v. McDaniel*, 529 U.S. 473, 484 (2000); and
4. The Clerk of the Court shall mark this case **CLOSED** for statistical purposes.

BY THE COURT:


MITCHELL S. GOLDBERG, J.